sation for this extra labor. *Held,* compensation should be allowed. *Jones* v. *Marshall* (Idaho), 135 Pac. 841.

When a partnership is dissolved by death, it is the duty of the surviving partner to wind up the business of the firm as expeditiously as possible, and the general rule is that for this he is entitled to no compensation. *Comstock* v. *McDonald,* 126 Mich. 142, 85 N. W. 579. This rule, however, is subject to some exceptions. Compensation is justly allowed in cases involving non-professional partnerships where the business is so involved that the winding up thereof entails extraordinary labor, perplexity and skill. *Hite* v. *Hite,* 40 Ky. (1 B. Mon.) 177; *Cameron* v. *Fransisco,* 26 Ohio St. 190; *Maynard* v. *Richards,* 166 Ill. 466, 46 N. E. 1138. Therefore in cases of professional partnerships, where the profits of the firm are the results solely of the skill and labor of the partners, the survivor should be compensated for the expenditure of that extra labor and skill which is not ordinarily required in the winding up of other partnerships and which is required to bring a professional partnership to the most advantageous termination. But this compensation should be only for the extra labor over and above that ordinarily required; and where there is no such extra labor no compensation should be granted. *Consul* v. *Cummings,* 24 App. D. C. 36; *Starr* v. *Case,* 59 Ia. 491, 13 N. W. 645.

POLICE POWER—SEGREGATION OF RACES.—An ordinance providing for separate residential sections for white and colored inhabitants of the city of Baltimore was passed under a general grant of police power from the state authorizing municipalities to pass ordinances for the maintenance of the peace, health, good government and welfare of the city. *Held,* the ordinance is invalid because unreasonable under such a general grant. *State* v. *Gurry* (Md.), 88 Atl. 546.

This holding was based on the ground that the ordinance in question, since it was retroactive in effect, ignored vested rights which existed at the time of the passage of the ordinance. Under a similar grant of authority in Virginia, a segregation ordinance of the town of Ashland was held to be reasonable by a *nisi prius* court. *Town of Ashland* v. *Coleman,* 19 VA. LAW REG. 427. Where a municipal ordinance is passed under a general grant of authority from the state, the reasonableness of its details may be questioned by the courts. *State* v. *Inhabitants of the City of Trenton,* 53 N. J. L. 132, 20 Atl. 1076, 11 L. R. A. 410. Statutes can be declared void for unconstitutionality alone while ordinances can be questioned as to both their constitutionality and reasonableness. But where an ordinance is passed in pursuance of a specific delegation of power from the state it has the effect of a statute, only its constitutionality may be questioned. *Haynes* v. *Cape May,* 50 N. J. L. 55, 13 Atl. 231. It will be seen from these considerations that a decision against the validity of a municipal ordinance passed under a general grant of authority does not necessarily involve the constitutionality of such an ordinance. Assuming then that the passage of such an ordinance has been

specificially authorized by the state (see Va. Acts 1912, p. 330), the question of the constitutionality of such an ordinance as a valid exercise of the police power is interesting.

The object of race segregation statutes is to preserve the peace and prevent conflict and ill-feeling, which experience has often shown to result from too close contact of the races. Such a purpose is within the sphere of the police power, but the further inquiry must be made as to whether the means by which such an end is sought are lawful. Does such a statute take property without due process of law? It must be admitted that to a certain extent it does, but no more so than countless other police regulations. It would be difficult to find a police regulation that does not to a greater or less degree deprive the individual of property or interfere to an extent with personal liberty. Yet these laws are held valid if they are reasonable. The injury to the individual is merged in the greater good. The chief point of contention in these cases, however, is whether such laws are discriminatory within the provisions of the Fourteenth Amendment to the Federal Constitution. Laws providing for separate coaches on trains, if the accommodations are equal, are held to be valid. *Plessy* v. *Ferguson*, 163 U. S. 537. Laws providing for separate schools are likewise upheld. *Lehew* v. *Brummell*, 103 Mo. 546, 15 S. W. 765, 11 L. R. A. 828. Also laws prohibiting inter-marriage of the races are held to be valid. *State* v. *Gibson*, 36 Ind. 389. The guiding principle in all such cases is that separation is not discrimination. The liberty of both races are restricted to the same extent. The rights of all persons must be equal before the law and proper legislation should secure this. But here the power of legislation stops. The law cannot dictate social standards nor abolish distinctions based on physical characterictics imbedded in the racial instincts of a people. A distinction must be taken between social as distinguished from political equality. If the refusal of one race to mingle with the other stamps one with the brand of inferiority, it is the result of the construction such race puts on the law, not the result of any inherent quality of the law.

TORTS—INJURIES FROM LOG JAM—JOINT AND SEVERAL LIABILITY.—Several independent lumber companies permitted their logs to form a jam in a river and to remain there for an unreasonable length of time, whereby plaintiff's land was damaged. *Held*, each is liable for the whole injury. *Johnson* v. *Thomas Irvine Lumber Co.* (Wash.), 135 Pac. 217. See NOTES, p. 316.

TORTS—JOINT TORT-FEASORS—CONTRIBUTION.—A city was held liable in damages for a death caused concurrently by the disrepair of its streets and the negligence of a railroad. *Held*, though neither act of negligence without the cooperation of the other would have resulted in harm, each was the proximate cause of the injury, and the city can not recover contribution from the railroad. *City of Louisville* v. *Louisville Ry. Co.* (Ky.), 160 S. W. 771. See NOTES, p. 313.